IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 381 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

PUSHPABEN RAJENDRAKUMAR PROP. SHARMA KNITTING INDS.
Versus
GUJARAT STATE FINANCIAL CORPORATION

Appearance:
1. Appeal from Order No. 381 of 2001
MR BG JANI for Petitioner No. 1
MR SANJAY A MEHTA for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 21/09/2001

ORAL JUDGEMENT

1. Heard learned Counsel Shri Jani for the appellant and Shri Mehta for the respondent, appearing on Caveat.

2. Having heard the learned Counsel for the

parties and having gone through the impugned order dated 27.8.2001 passed by the learned Judge below Ex.5 & 6 in Civil Suit No.3068 of 2001, I am of the considered opinion that the interest of justice would be served by passing the following order :

There is a dispute regarding the amount due. According to the appellant - plaintiff it comes to in all Rs.2,82,000/-, whereas according to the respondent defendant it is about Rs.4,52,000/- due as on 30.4.2001. Without going into the controversy the appellant plaintiff is directed to pay Rs.3 lacs in six equal monthly installments, i.e. Rs.50,000/- p.m., on 1st of every month. The first instalment shall be paid by the appellant on 1.11.2001 and thereafter the appellant plaintiff shall continue to make regular payment of Rs.50,000/- on first of every month.

The appellant - plaintiff shall also continue to make payment of regular instalment due from November, 2001. Remaining amount will be decided by the trial Court.

If the appellant - plaintiff comply with this order in its letter and spirit then the respondent defendant is restrained and the ex-parte ad.interim order passed by the trial Court shall continue. However, if there is any breach of this order is committed by the appellant plaintiff, then automatically interim relief stand vacated.

With the above observation and direction this Appeal from order is disposed of.

As the main Appeal from Order is disposed of, Civil Application No.10434 of 2001 will not survive. The same is accordingly disposed of.

sd/-

Date : September 21, 2001 (B.J.Shethna, J.)

sas